VACAVILLE UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 35, 2021-22

RESOLUTION TO AMEND A CONSTRUCTION CONTRACT TO ADD CONSTRUCTION OF A MANDATED PLAY AREA FOR PRESCHOOL CHILDREN

WHEREAS, on August 5, 2021 the Governing Board ("Board") of the Vacaville Unified School District ("District") awarded a contract to Abide Builders ("Abide") for the Improvement Project at 621 Orchard Avenue which includes converting a prior church property for use as a preschool ("Project"); and

WHEREAS, the Project incurred a $208,412.76 cost increases due to changed site conditions; the need to perform Project work while the site was occupied as a COVID testing center, instead of unoccupied as intended when the contract was awarded; utility delays that required acceleration of the work and other added expenses associated with utility work; and other impacts out of the District's control, and the District cannot now amend the contract with Abide without the formality of securing bids for any additional work; and

WHEREAS, on or about December 20, 2021, Abide discovered an unforeseen site condition that required replacement of existing underground electrical service to the Sanctuary building; and

WHEREAS, under Public Contract Code section 7104, the District is mandated by law to pay the increase in cost incurred by Abide as a result of the differing site conditions discovered after contract award; and

WHEREAS, the District requires the use of all six preschool classrooms that are part of the Project no later than August 18, 2022 to serve the preschool-aged children in the area; and

WHEREAS, the District cannot operate the Project as a preschool without State-mandated playground space, and the Project currently has insufficient playground space to serve six classrooms; and

WHEREAS, the District secured bids for the playground space on April 21, 2022, with the only bidder submitting a price of $222,777.00; and

WHEREAS, the District has insufficient time to re-bid the playground scope of work and have the work done prior to August, when the facility is required to be fully available to provide preschool services; and

WHEREAS, Abide has submitted a quote to the District of $129,748.00 to construct the playground, as previously bid, which price is substantially lower than the bid the District received.

NOW, THEREFORE, BE IT RESOLVED, the Vacaville Unified School District Governing Board ("Board") does hereby resolve as follows:

Section 1. The foregoing recitals are hereby adopted as true and correct.

Section 2. The Board hereby finds that it is necessary and appropriate to increase the contract amount by Fourteen Thousand, Nine Hundred Seventy-Two Dollars ($14,972.00), an amount the Board deems reasonable, to pay added costs due to unforeseen underground electrical site conditions.

Section 3. The Board hereby finds that the price offered by Abide for the playground work, after the District obtained a substantially higher bid for that work, is fair and reasonable, and that obtaining further competitive bids would be unavailing and would not produce an advantage, and that further advertising for competitive bids is undesirable and impractical.

Section 4. The Board hereby finds that it is necessary and appropriate to amend the contract with Abide to add construction of the playground and to increase the contract amount by One Hundred Twenty-Nine Thousand Seven Hundred Forty-Eighty Dollars ($129,748.00) to ensure that the playground can be timely completed and ensure availability of the Project by August 18, 2022.

Section 5. The Assistant Superintendent of Business Services or their designee is directed to execute a contract amendment to effectuate this Resolution within ten (10) days of this action.

PASSED AND ADOPTED by the Vacaville Unified School District, Vacaville, Solano County, California, this 16th day of June 2022 by the following votes:

AYES: Cecil Conley, Michele Dally, John Jansen, Michael Kitzes, Daniel Santellan, Santiago Serrato, Kelly Welsh

NOES:

ABSENT:

ABSTAIN:

SECRETARY'S CERTIFICATE

I, Jane Shamieh, hereby certify that the foregoing is a full, true, and correct excerpt from the journal of the Governing Board of the Vacaville Unified School District pertaining to the adoption of the foregoing resolution at a regular meeting held June 16, 2022 at 6:30 PM.

Jane Shamieh, Secretary